REMARKS

Claims 23, 24, 26 – 32, and 34 – 42 are pending. Claims 23, 24, 26 – 32, and 34 – 38 are presently rejected, and claims 39 – 42 are presently restricted. By this response, claims 23 and 31 have been amended; and claims 39 – 42 have been cancelled. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

Election/Restrictions

The Examiner indicates on page 2 of the Action that claims 23, 24, 26 – 32, and 34 – 38 are drawn to Invention I (apparatus with process), while claims 39 – 42 are drawn to Invention II (Process).

Applicants elect to prosecute the claims drawn to Invention I and withdraw the claims drawn to Invention II without traverse.

Applicants reserve the right to pursue the claims drawn to Invention II in one or more divisional applications, and/or continuation applications.

35 U.S.C. §103 Rejection

Claims 23, 24, 26 – 32, and 34 – 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,776,711 ("Baerlocher") in view of U.S. Patent Nos. 6,857,959 ("Nguyen") and 6,331,143 ("Yoseloff").

Claims 23 and 31, as amended, are directed to a method for use with a gaming machine having manually operable selectors. Prior to a player operating any one of the operable selectors, the method includes generating a plurality of award sets. Each of the award sets includes a plurality of outcomes. Each outcome is either a positive integer or a non-winning outcome. The total number of positive integers in any one of the award sets is not equal to the total number of positive integers in any other of the award set. Also, the sum of all positive

integers in any one of the award sets is equal to the sum of all positive integers in any other of the award sets. The method includes designating for each selector one of the award sets, and displaying the award sets corresponding to the designated operable selectors. The method further includes selecting an outcome from said one displayed award set.

For example, prior to game play, a player is able to view a plurality of the award sets, and to subsequently select one of the award sets. The player sees that each award set includes different integers which are used in determining the prize value. This visualisation aspect allows a player to make a conscious decision to chose one set over another, e.g. to chose a high volatility set comprised of a small number of higher paying integers than another of the sets having a large number of lower paying prizes. This enhances player excitement.

Baerlocher, Nguyen, and Yoseloff do not teach or suggest such a thing as set out in claims 23 and 31, particularly the visualization and the selection of the award sets prior to game play.

Rather, Baerlocher discloses randomly assigning an award set <u>post</u> selection by the player of a prize area. For example, with respect to Figure 5, step 108 discloses that "[after] selection [of a pick button in step 106], assign one award set of current level to one pick button and assign the other award set of current level to the second pick button." Further, Baerlocher also discloses that "[after] the player has chosen a pick area, button or indicator as indicated by block 106, and the game [assigns] the award set 56a to the pick button 62 and the award set 58a to the pick button 60, as indicated by the block 108." See col. 9, lines 36 – 40. Thus, a player using the system described in Baerlocher is wholly unaware of, and has no control over, which integers will ultimately be used in the game to establish the game outcome.

Nguyen fails to cure the deficiencies of Baerlocher.

Rather, Nguyen discloses a <u>prize</u> selection technique, whereby a player may select a <u>prize set</u> as an award or pay-out <u>when a certain outcome occurs during play of the game</u>. See col. 6 line 61 – col. 7, line 9. Selecting a prize set from which prizes are selected when certain outcomes occur during game play is fundamentally different to selecting an award set comprising integers which are <u>used to establish the game outcome</u>. As pointed out above, the

actual award set chosen by the player according to the present invention may dictate the volatility of the game since its actual integers are used in determining the outcome. This is neither taught nor suggested anywhere in Nguyen.

Yoseloff fails to cure the deficiencies of Baerlocher and Nguyen. Particularly, Yoseloff fails to disclose that the value of the integers selected by the player is in any way tied to the number of game play credits ultimately awarded to the player.

Therefore, Baerlocher, Nguyen, and Yoseloff, either alone or in combination, do not teach or suggest claims 23 and 31.

Therefore, independent claims 23 and 31 are allowable.

Claims 24 and 26 – 30, and claims 32 and 34 – 38 depend from claims 23 and 31, respectively. Therefore, claims 24, 26 – 30, 32, and 34 – 38 are also allowable for at least the same reasons set forth above with respect to claims 23 and 31.

Conclusion

Applicant respectfully submits that all of claims 23, 24, 26 – 32, and 34 –38 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation.

Respectfully submitted,

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